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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/977,591	11/25/1997	JUNICHI NAKATA	450100-4193	3294
20999	7590	12/01/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			TRAN, HAI V	
			ART UNIT	PAPER NUMBER
			2611	
DATE MAILED: 12/01/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

08/977,591

Applicant(s)

NAKATA ET AL.

Examiner

Hai Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 1-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/06/2005 has been entered.

### ***Response to Arguments***

Applicant's arguments filed 07/28/2005 have been fully considered but they are not persuasive.

Applicant argues, "... In this process, an identification code identifying a user (sent from a control request from a second presentation device) is not matched with a previously stored identification code identifying the user." see Applicant remark page 13, lines 14-18. In response, the Examiner respectfully disagrees with Applicant because Theimer discloses that clients making requests from a 2nd device/location are identified (Col. 8, lines 60-Col. 9, lines 12; Col. 10, lines 3-25; Col. 11, lines 20-45) and the device's policy database is then used to decide whether or not to perform any given client RPC request (see Col. 14, lines 62-67. In doing so, the requesting client's identity is checked to be matched with pre-stored client id before granting the request (Col. 11, lines 25-44), for example delivering video message from a device at location A

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to another device at location B when the user moves from location A to location B. At location B, the user able to request the delivery of the video message from location A to location B because the user id is registered with the Name Service in which the system recognizes the user id whenever the user logon the network regardless of the location in which the user logon. As such, the examiner maintains the rejection .

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 19-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwamura (US 5883621) in view of Theimer et al. (US 5544321).

Claim 19, Iwamura discloses an information signal transmission system (Fig. 1), comprising

A network interface (Fig. 2a-b; i.e., PHY 224) connected to a 1<sup>st</sup> presentation device (i.e., DVCR1 108 of Fig. 1) and to a 2<sup>nd</sup> presentation device (i.e., DVD 106 of Fig. 1) through a network 1394 (Col. 3, lines 20-57);

A control component (Fig. 2b; TC 306) connected to the network interface (PHY 224) including a microcomputer (CPU 312) to control the information signal transmission system;

Iwamura does not clearly disclose an information signal component connected to the control component and to the network interface, including a reproduction block to reproduce an information signal received from the control component and an output block to code an information signal by the reproduction block and output the information signal to the network interface; and an identification component connected to the control component; Wherein while the information signal component outputs an information signal to the first presentation device through the network interface, the identification component stores identification data indicating an identification code identifying a user, when the control component receives a control request from the 2<sup>nd</sup> presentation device through the network interface and the control request includes identification data indicating the identification code identifying the user, the identification component determines that the identification code of the identification data in the control request matches the identification code of the identification data stored by the identification component and sends a change request to the control component, the change device request indicating the second presentation device, and when the control component receives the change device request indicating the second presentation device, the control component causes the information signal component to begin to output the information signal to the 2<sup>nd</sup> presentation device through the network interface.

Theimer discloses an information signal component connected to the control component and to the network interface, including a reproduction block to reproduce an information signal received from the control component and an output block to

code an information signal by the reproduction block and output the information signal to the network interface and an identification component (User Agent) connected to the control component (Fig. 2); Wherein while the information signal component outputs an information signal to the first presentation device through the network interface, the identification component stores identification data indicating an identification code identifying a user (Col. 10, lines 45-Col. 11, lines 11), when the control component receives a control request from the 2<sup>nd</sup> presentation device through the network interface and the control request includes identification data indicating the identification code identifying the user, the identification component determines that the identification code of the identification data in the control request matches the identification code of the identification data stored by the identification component and sends a change request to the control component (Col. 11, lines 20-53; Col. 14, lines 58-65+), the change device request indicating the second presentation device, and when the control component receives the change device request indicating the second presentation device, the control component causes the information signal component to begin to output the information signal to the 2<sup>nd</sup> presentation device through the network interface (Col. 11, lines 57-59; Col. 15, lines 54-61).

Theimer further discloses that clients making requests from a 2nd device/location are identified (Col. 8, lines 60-Col. 9, lines 12; Col. 10, lines 3-25; Col. 11, lines 20-45) and the device's policy database is then used to decide whether or not to perform any given client RPC request (see Col. 14, lines 62-67. In doing

so, the requesting client's identity is checked to be matched with pre-stored client id before granting the request (Col. 11, lines 25-44), for example delivering video message from a device at location A to another device at location B when the user moves from location A to location B. At location B, the user able to request the delivery of the video message from location A to location B because the user id is registered with the Name Service in which the system recognizes the user id whenever the user logon the network regardless of the location in which the user logon. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Iwamura with Theimer so the system could grants interaction requests that have location and contextual attributes that are consistent with the specified interaction policies. The system then identifies in the close proximity to the identified user, and determines a display property based on the contextual attributes and the user profile properties (Col. 4, lines 42-55).

Claim 20, Theimer further discloses when the control component receives a reserve request from the 1<sup>st</sup> presentation device through the network interface and the reserve request includes identification data indicating the identification code identifying the user, the identification component determines that the identification code of the identification data in the reserve request matches the identification code of the identification data stored by the identification component and sends a pause command to the control component, the pause command indicating the 1<sup>st</sup> presentation device, and when the control component receives the pause command

indicating the 1<sup>st</sup> presentation device (Col. 26, lines 22- Col. 27, lines 33), the control component causes the information signal component to stop outputting the information signal to the 1<sup>st</sup> presentation device through the network interface, such that the information signal component begins to output the information signal to the 2<sup>nd</sup> presentation device from the point in the information signal when the control component stopped outputting the information signal to the 1<sup>st</sup> presentation device (Col. 27, lines 34-56);

Claim 21, Iwamura further discloses wherein the reproduction block is a video reproduction block and the output block is a video output block (NTSC encoder, OSD and video decoder; see Fig. 2a-b);

Claim 22, Theimer further discloses the identification component includes an identification code detector for extracting an identification code indicated by identification data in a control request and a determining component for comparing an identification code indicated by stored identification data with an identification code indicated by identification data extracted by the identification code detector (Col. 14, lines 63-65+);

Claims 23-24, Theimer further discloses wherein the identification code indicated by the identification data of the control request is received by the 2<sup>nd</sup> presentation device from a remote control device (Col. 21, lines 54-Col. 22, line 30);



Claim 25, "wherein the 1<sup>st</sup> presentation device is a TV" is further met by Iwamura (Fig. 1) in view of Theimer (Col. 28, lines 48-51).

Claim 26, Theimer further discloses wherein the identification code indicated by the identification data of the control request is generated using voice recognition and voice sample from the user (Col. 27, lines 135-40).

Claim 27, Theimer further discloses a remote control device that provides identification data indicating the identification code identifying the user to the 2<sup>nd</sup> presentation device (Col. 24, lines 3-26).

Claim 28, Theimer further discloses wherein the remote control device includes an identification code detector that generates identification data indicating the identification code identifying the user based on input received from the user (Col. 21, lines 54-65+).

Claim 29, Theimer further discloses wherein the remote control device includes a keypad for receiving input from the user (Col. 21, lines 54-65+).

Claim 30, method claim 30 is met by Iwamura in view of Theimer with respect to the same analysis as discussed in apparatus claims 19.

Claim 31, method claim 31 is met by Iwamura in view of Theimer with respect to the same analysis as discussed in apparatus claims 20.

Claim 32, Theimer further discloses wherein said information signal includes video information (Col. 28, lines 48-51).

Claim 33, method claim 33 is met by Iwamura in view of Theimer with respect to the same analysis as discussed in apparatus claims 23.

Claim 34, method claim 34 is met by Iwamura in view of Theimer with respect to the same analysis as discussed in apparatus claims 26.

Claim 35, method claim 35 is met by Iwamura in view of Theimer with respect to the same analysis as discussed in apparatus claims 20 and (Col. 11, lines 57-59; Col. 15, lines 54-61; col. 21, lines 54-Col. 22, line 30; and Col. 26, lines 22- Col. 27, lines 33);

Claim 36, Theimer further discloses:

Comparing attribute information of said 2nd presentation device with attribute information of an information signal system to determine compatibility between said 2nd presentation device and said information signal system (Col. 28, lines 60-Col. 29, lines 16);

Wherein the attribute information of said 2nd presentation device is included in said control request (Col. 29, lines 30-52), and

Wherein said information signal system outputs said information signal to said 2nd presentation device after determining that said 2nd presentation device and said information signal system are compatible ('compatible' read on "format computationally recognizable to any potential client of that device"; Col. 7, lines 38-40).

Claim 37, Iwamura in view of Theimer discloses as discussed in claim 19, a system for transmitting an information signal, comprising:

Means (Theimer, Fig. 3, 102) for storing identification data indicating an identification code identifying a user (user profile);

Means (Iwamura; (Fig. 2a; PHY 224) for outputting an information signal to 1<sup>st</sup> presentation device through a network interface .

"Means for processing a control request from a 2<sup>nd</sup> presentation device received through said network interface, said control request including identification data indicating said identification code identifying said user" and "Means for comparing the identification code of said identification data in said control request with the identification code of said stored identification data to assure said codes match; means for sending a change device request indicating said 2<sup>nd</sup> presentation device" is further met by Theimer; Col. 11, lines 20-53; Col. 14, lines 58-65+;

and "Means for starting to output said information signal to said second presentation device through said network interface" is further met by Theimer; Col. 11, lines 57-59; Col. 15, lines 54-61.

Claim 38, the "Means for processing", "means for comparing" and the "means for stopping" reads on the CPU to perform all the function claimed as "for comparing the identification code of said identification data in said reserve request (from 1<sup>st</sup> device) with the identification code of said identification data stored by said identification component"; "for comparing the identification code of said identification data in said reserve request (from 1<sup>st</sup> device) with the identification code of said identification data stored by said identification component"; "for stopping outputting said information signal" as discussed in claim 37 and in view of Theimer (Col. 26, lines 22- Col. 27, lines 33);

Moreover, limitation "Wherein said information signal begin to be output to said 2<sup>nd</sup> presentation device from the point in said information signal when said information signal is stopped to be output to said 1<sup>st</sup> presentation device" is further met by Theimer (Col. 27, lines 34-56);

Claim 39, Theimer further discloses:

Means for receiving said identification code identifying said user at a remote control device (Col. 21, lines 54-Col. 22, line 30);

means for adding identification data indicating said identification code identifying said user to said control request (Col. 26, lines 22- Col. 27, lines 33); and

Means for sending said control request to said 2<sup>nd</sup> presentation device (Col. 11, lines 57-59; Col. 15, lines 54-61).

Claim 40, Theimer further discloses:

Voice recognition means for generating an identification code based on a voice sample received from a user (Col. 27, lines 135-40).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'Hai Tran', with a stylized flourish underneath.

**HAI TRAN  
PRIMARY EXAMINER**